

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X	<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> 10/14/2021
: PHYLLIS WRIGHT, derivatively and on behalf	: 18-CV-7174 (VSB)
: of MACQUARIE INFRASTRUCTURE	: _____
: CORPORATION,	: _____
: Plaintiff,	: _____
: _____	: <b>ORDER</b>
: v.	: _____
: LIAM STEWART et al.,	: _____
: _____	: _____
: Defendants,	: _____
: -and-	: _____
: MACQUARIE INFRASTRUCTURE	: _____
: CORPORATION,	: _____
: _____	: _____
: Nominal Defendant.	: _____
: _____	: _____
: X	: _____

VERNON S. BRODERICK, United States District Judge:

On September 19, 2018, via stipulation and order, this action (the “Wright Action”) was stayed in light of a related action pending before me with the case number 18-cv-3608 (the “Riviera Action”) and an “anticipated motion to dismiss” the Riviera Action, and the parties agreed that, “[w]ithin thirty (30) days” of entry of an order in the Riviera Action concerning any motion to dismiss, they would “submit a proposed schedule to the Court for further proceedings in this” Wright Action. (Doc. 50 (the “Stay”).) On December 18, 2018, via stipulation and order, the Wright Action was consolidated with a related action with the case number 18-cv-11062 (the “Johnson Action”), and the parties agreed that both the Wright Action and the Johnson Action would be subject to the terms of the Stay. (Doc. 57.)

On September 7, 2021, I entered an Opinion and Order granting a motion to dismiss the

Riviera Action. *See City of Riviera Beach Gen. Emps. Ret. Sys. v. Macquarie Infrastructure Corp.*, 18-CV-3608 (VSB), 2021 WL 4084572 (S.D.N.Y. Sept. 7, 2021). The parties' time to submit a proposed schedule within the meaning of the Stay has thus expired, and no party to either the Wright Action or the Johnson Action has communicated any intent to maintain either action.

Accordingly, it is hereby:

ORDERED that both the Wright Action and the Johnson Action are discontinued without costs to any party and without prejudice to restoring either action to this Court's docket if the application to restore the action is made within thirty (30) days.

The Clerk of Court is respectfully directed to close the open motion at docket number 59.

SO ORDERED.

Dated: October 14, 2021

New York, New York



Vernon S. Broderick  
United States District Judge